

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

119065

**FILE: B-207789**

**DATE: July 23, 1982**

**MATTER OF: Kerick Division, Johnson Textile &  
Plastics Co., Inc.**

**DIGEST:**

Protest against solicitation containing allegedly superseded military standard filed after bid opening is dismissed as untimely because GAO Bid Protest Procedures require that protest against improprieties in a solicitation apparent before bid opening be filed before bid opening.

Kerick Division, Johnson Textiles & Plastics Co., Inc. (Johnson), protests the 48-inch butt drop resistance standard used by the Department of the Army, Corps of Engineers, Galveston, Texas, to award a contract for polypropylene sand bags under solicitation No. DACW64-82-B-0069. Johnson asserts that the 48-inch drop resistance standard had been replaced by a 20-inch standard.

We understand that Johnson became aware of the allegedly defective standard prior to bid opening. Johnson filed this protest, however, on June 8, 1982, after the bid opening date, which was May 19, 1982.

Under our Bid Protest Procedures, the protest is untimely because it was filed after the bid opening date. Where a protest is based upon alleged improprieties in an invitation for bids apparent prior to bid opening, it must be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1982); Government Marketing Services, Inc., B-207551, June 14, 1982, 82-1 CPD \_\_\_\_\_. Accordingly, the protest is dismissed.

*F. H. Barclay, Jr.*  
For Harry R. Van Cleve  
Acting General Counsel